

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>DONALD LEE CARLTON,</b>	:	
<b>Petitioner,</b>	:	
<b>v.</b>	:	<b>CIVIL ACTION 11-0101-CG-M</b>
<b>UNITED STATES OF AMERICA,</b>	:	<b>CRIMINAL ACTION 06-00267-CG-M</b>
<b>Respondent.</b>	:	

**ORDER**

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that Respondent's Motion to Dismiss (Doc. 38) be **GRANTED** and that Petitioner's Motion to Vacate, filed pursuant to 28 U.S.C. § 2255 (Doc. 41), be **DISMISSED**. It is further **ORDERED** that Petitioner's application for a certificate of appealability be **DENIED**.

**DONE** and **ORDERED** this the 12th day of September, 2011.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE